

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DIBY AKO

PLAINTIFF

vs.

No. 3:22-cv-1751-S

**ARRIVA BEST SECURITY, INC.,
and AMOIFO KOFFI**

DEFENDANTS

MOTION FOR LIMITED DISCOVERY

Plaintiff Diby Ako ("Plaintiff") by and through his attorney Josh Sanford of Sanford Law Firm, PLLC, for his Motion for Limited Discovery, states and alleges as follows:

1. Plaintiff filed his Original Complaint against Defendants Arriva Best Security, Inc., and Amoifo Koffi on August 11, 2022. ECF No. 1.
2. Plaintiff served Defendant Amoifo Koffi on September 24, 2022, and Defendant Arriva Best Security, Inc. on March 18, 2023. ECF Nos. 7, 19.
3. The deadline to file an Answer or other responsive pleading has passed with neither Defendant filing any response pleading or otherwise entering an appearance in this case.
4. This Court entered Clerk's Entry of Default against Defendant Koffi on February 22, 2022 (ECF No. 16) and against Defendant Arriva Best Security, Inc., on August 30, 2023 (ECF No. 27). Plaintiff has moved for default against Defendants twice in this case. ECF Nos. 28, 35.

5. The Court denied Plaintiff's first Motion for Default because Plaintiff failed to adequately demonstrate that Defendant Koffi was not in active military service, or a minor or incompetent person. ECF No. 32.

6. Plaintiff cured this defect in his second Motion for Default, but the Court denied the second Motion because Plaintiff failed to adequately plead FLSA coverage against Defendants.

7. Plaintiff's duties for Defendants were limited to Defendants' fire watching services, and therefore Plaintiff does not have first-hand or personal knowledge of the facts needed to adequately allege FLSA coverage. However, Plaintiff has a good faith, reasonable basis for believing that Defendants meet the criteria for both individual and enterprise coverage.

8. Defendants are a Texas company that advertises itself as a "Nationwide" security services business. In addition to fire watching services, Defendants provide security services for large-scale industries and events such as construction sites, athletic events, hospitals, universities, and retail establishments across the United States. See <https://www.arrivabestsecurity.net/services.html> (last visited Dec. 2, 2024).

9. Based on Defendants' advertising, Plaintiff believes that Defendants conduct business that "is so directly and vitally related to the functioning of an instrumentality or facility of interstate commerce as to be, in practical effect, a part of it, rather than isolated local activity" by employing security officers who protect persons or goods that travel in interstate commerce. *Mendoza v. Detail Sols., LLC*, 911 F. Supp. 2d 433, 439 (N.D. Tex. 2012).

10. Moreover, given the breadth and extent of the services Defendants provide, Plaintiff believes that Defendants have an annual gross volume of sales made or business done of more than \$500,000.00. *Blundell v. Lassiter*, No. 3:17-cv-1990-L-BN, 2018 WL 6738046, at *5 (N.D. Tex. May 21, 2018).

11. All evidence necessary to prove this coverage is in Defendants' possession. Plaintiff respectfully requests permission to serve discovery on Defendants limited to the issue of FLSA coverage. The discovery that Plaintiff requests permission to serve is attached to this Motion as Exhibit 1.

WHEREFORE, premises considered, Plaintiff Diby Ako respectfully requests that his Motion for Limited Discovery be granted and the Court award such other and further relief as may be appropriate and just.

Respectfully submitted,

PLAINTIFF DIBY AKO

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/s/ Josh Sanford

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CERTIFICATE OF SERVICE

I, the undersigned counsel, do hereby certify that on the date imprinted by the CM/ECF system, a copy of the foregoing MOTION was filed via the CM/ECF system, which will provide notice to all interested parties. Notice has been delivered by other means to:

Arriva Best Security Inc.
c/o Aimee Koffee
5482 Wilshire Blvd. Ste. 219
Los Angeles, CA 90036

Amoifo Koffee
9955 Durant Drive, Unit 304
Beverly Hills, CA 90212-1601

Arriva Best Security Inc.
2435 N. Central Express Way, 12th Floor
Richardson, Texas 75080

/s/ Josh Sanford
Josh Sanford